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Attorney Docket No. 54099-8003.US01

Ep 1648

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Date: 1-23-2003By: Susan L. Baka
Susan L. Baka**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**IN RE APPLICATION OF: Lau, *et al.*

APPLICATION NO.: 09/772,109

FILED: January 26, 2001

FOR: HIGH LEVEL CYTOKINE PRODUCTION WITH
ENHANCED CELL VIABILITY

EXAMINER: Winkler, Ulrike

ART UNIT: 1648

CONF. NO: 8965

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**Information Disclosure Statement After First Office Action but
Before Final Action or Notice of Allowance – 37 CFR 1.97(c)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 CFR 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☒ The following: Copy of the International Search Report from International Application No.: PCT/US02/02297, filed 01/25/02

- ☐ Copies of the following references can be found in parent U.S. Application No. _____ :
- ☐ All cited references
 - ☐ References marked by asterisks
 - ☐ The following:
- ☐ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
- ☐ All cited references
 - ☐ References marked by ampersands
 - ☐ The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

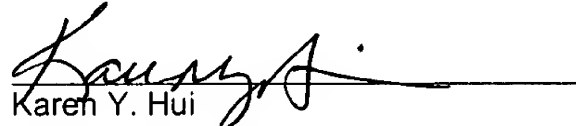
No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 CFR 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

Date: 1/23/2003


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